

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

KPM ANALYTICS NORTH AMERICA
CORPORATION,

Plaintiff.

v.

Civil Action No. 21-10572-MRG

BLUE SUN SCIENTIFIC, LLC, THE
INNOVATIVE TECHNOLOGIES GROUP &
CO., LTD., ARNOLD EILERT, MICHELLE
GAJEWSKI, ROBERT GAJEWSKI,
RACHAEL GLENISTER, GREGORY
ISRAELSON, IRVIN LUCAS, AND PHILIP
OSSOWSKI,

Defendants.

**PLAINTIFF KPM ANALYTICS NORTH AMERICA CORPORATION’S MOTION FOR
ENTRY OF JUDGMENT IN FAVOR OF PLAINTIFF ON ITS CHAPTER 93A COUNT
AND FOR PREJUDGMENT INTEREST ON ALL COUNTS**

Plaintiff KPM Analytics North America Corporation (“KPM”) respectfully requests this Court enter an order in its favor on its Chapter 93A claim (Count X), awarding treble damages and attorneys’ fees, including a finding that Defendants Blue Sun Scientific, LLC and Innovative Technologies Group & Co., Ltd. engaged in knowing or willful unfair and deceptive trade practices justifying treble damages. For the reasons set forth in the accompanying memorandum of law, KPM requests that the Court enter damages on Chapter 93A in the following amounts:

Base for single damages	Amount	Trebled	Total
Jury finding of damages for misappropriation of trade secrets as predicate for Chapter 93A	\$1,500,000	\$4,500,000	\$4,500,000
Jury finding of damages for tortious interference as predicate for Chapter 93A	\$1,800,000	\$5,400,000	\$5,400,000

Violation of the preliminary injunction by sales to Idahoan	\$210,165	\$630,495	\$630,495
Violation of the preliminary injunction by sales to R&R Machine	\$372,599.50	\$1,117,798.50	\$1,117,798.50
Total			\$11,648,293

KPM further requests that the Court add prejudgment interest at a rate of 12% from the date of the filing of the complaint based on the actual damages on all tort and 93A claims, and 10% on the contract claims against the individual defendants, the current values of each are:

Claim	Applicable Damages	Interest rate	Prejudgment Interest
Trade Secret Misappropriation – Blue Sun	\$1,500,000	12%	\$ 397,207.39
Trade Secret Misappropriation – Lucas	\$20,000	12%	\$ 5,296.10
Trade Secret Misappropriation – Gajewski	\$15,000	12%	\$ 3,972.07
Trade Secret Misappropriation – Glenister	\$10,000	12%	\$ 2,648.05
Trade Secret Misappropriation – Eilert	\$2,500	12%	\$ 662.01
Breach of Contract – Lucas	\$20,000	10%	\$ 4,413.42
Breach of Contract – Gajewski	\$15,000	10%	\$ 3,310.06
Breach of Contract – Glenister	\$10,000	10%	\$ 2,206.71
Breach of Contract – Eilert	\$2,500	10%	\$ 551.68
Tortious Interference – Blue Sun	\$1,500,000	12%	\$ 397,207.39
Tortious Interference – ITG	\$1,800,000	12%	\$ 476,648.87
Chapter 93A – Blue Sun	\$2,082,764.50	12%	\$ 551,526.30
Chapter 93A - ITG	\$2,382,764.50	12%	\$ 630,967.78

REQUEST FOR ORAL ARGUMENT

Plaintiff requests oral argument on this motion.

Date: June 21, 2023

Respectfully submitted,

KPM Analytics North America Corporation,

By its attorneys,

/s/ Scott R. Magee

John T. Gutkoski (BBO No. 567182)

Kevin R. Mosier (BBO No. 703739)

Sunstein LLP

100 High Street

Boston, MA 02110

Phone: (617) 443-9292

jgutkoski@sunsteinlaw.com

kmosier@sunsteinlaw.com

AND

Scott R. Magee (BBO No. 664067)

Paige Zacharakis (BBO No. 699108)

Morse, Barnes-Brown & Pendleton, P.C.

480 Totten Pond Road, 4th Floor

Waltham, MA 02451

Phone: (781) 622-5930

Fax: (781) 622-5933

smagee@morse.law

pzacharakis@morse.law

LOCAL RULE 7.1 CERTIFICATION

The undersigned hereby certifies that the parties met and conferred on June 21, 2023 with respect to the relief sought in this Motion and Defendants oppose KPM's Motion in its entirety.

/s/ Scott R. Magee

Scott R. Magee

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of June 2023, a true and correct copy of the foregoing document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Scott R. Magee
Scott R. Magee